

## IN THE CLAIMS

Claim 74 has been amended. Claims 74-93 are pending in the present application. The following is the status of the claims of the above-captioned application, as amended.

1-73 (Canceled).

74. (Currently Amended) A *Bacillus* cell comprising a nucleic acid construct which comprises (a) a "consensus" promoter having the sequence TTGACA for the "-35" region and TATAAT for the "-10" region operably linked to a single copy of a nucleic acid sequence encoding the polypeptide and (b) an mRNA processing/stabilizing sequence located downstream of the "consensus" promoter and upstream of the nucleic acid sequence encoding the polypeptide, wherein ~~the mRNA processing/stabilizing sequence is foreign to~~ the "consensus" promoter is constructed from any promoter which can function in the *Bacillus* cell and the mRNA processing/stabilizing sequence increases expression of the nucleic acid sequence encoding the polypeptide.

75. (Previously Presented) The *Bacillus* cell of claim 74, wherein the consensus promoter is obtained from any bacterial promoter.

76. (Previously Presented) The *Bacillus* cell of claim 75, wherein the "consensus" promoter is obtained from a *Bacillus* promoter.

77. (Previously Presented) The *Bacillus* cell of claim 74, wherein the consensus promoter is obtained from a promoter obtained from the *E. coli lac* operon, *Streptomyces coelicolor* agarase gene (*dagA*), *Bacillus lentus* alkaline protease gene (*aprH*), *Bacillus licheniformis* alkaline protease gene (subtilisin Carlsberg gene), *Bacillus subtilis* levansucrase gene (*sacB*), *Bacillus subtilis* alpha-amylase gene (*amyE*), *Bacillus licheniformis* alpha-amylase gene (*amyL*), *Bacillus stearothermophilus* maltogenic amylase gene (*amyM*), *Bacillus amyloliquefaciens* alpha-amylase gene (*amyQ*), *Bacillus licheniformis* penicillinase gene (*penP*), *Bacillus subtilis xylA* and *xylB* genes, *Bacillus thuringiensis* subsp. *tenebrionis* CryIIIA gene (*cryIIIA*, SEQ ID NO. 21), or prokaryotic beta-lactamase gene *spo1* bacterial phage promoter.

78. (Previously Presented) The *Bacillus* cell of claim 74, wherein the "consensus" promoter is obtained from the *Bacillus amyloliquefaciens* alpha-amylase gene (*amyQ*).
79. (Previously Presented) The *Bacillus* cell of claim 78, wherein the "consensus" *amyQ* promoter has the nucleic acid sequence of SEQ ID NO. 26 or SEQ ID NO. 27.
80. (Previously Presented) The *Bacillus* cell of claim 74, wherein the mRNA processing/stabilizing sequence is the *cryIIIA* mRNA processing/stabilizing sequence.
81. (Previously Presented) The *Bacillus* cell of claim 74, wherein the mRNA processing/stabilizing sequence is the SP82 mRNA processing/stabilizing sequence.
82. (Previously Presented) The *Bacillus* cell of claim 74, which contains one or more copies of the nucleic acid construct.
83. (Previously Presented) The *Bacillus* cell of claim 74, which contains one copy of the nucleic acid construct.
84. (Previously Presented) The *Bacillus* cell of claim 74, wherein the nucleic acid construct further comprises a selectable marker gene.
85. (Previously Presented) The *Bacillus* cell of claim 74, which contains no selectable marker gene.
86. (Previously Presented) The *Bacillus* cell of claim 74, wherein the nucleic acid sequence encodes a polypeptide heterologous to the *Bacillus* cell.
87. (Previously Presented) The *Bacillus* cell of claim 74, wherein the polypeptide is a hormone, enzyme, receptor, antibody, or reporter.
88. (Previously Presented) The *Bacillus* cell of claim 87, wherein the enzyme is an oxidoreductase, transferase, hydrolase, lyase, isomerase, or ligase.
89. (Previously Presented) The *Bacillus* cell of claim 87, wherein the enzyme is an

aminopeptidase, amylase, carbohydrase, carboxypeptidase, catalase, cellulase, chitinase, cutinase, cyclodextrin glycosyltransferase, deoxyribonuclease, esterase, alpha-galactosidase, beta-galactosidase, glucoamylase, alpha-glucosidase, beta-glucosidase, invertase, laccase, lipase, mannosidase, mutanase, oxidase, a pectinolytic enzyme, peroxidase, phytase, polyphenoloxidase, proteolytic enzyme, ribonuclease, transglutaminase, or xylanase.

90. (Previously Presented) The *Bacillus* cell of claim 74, wherein the nucleic acid sequence is contained in the chromosome of the *Bacillus* cell.

91. (Previously Presented) The *Bacillus* cell of claim 74, wherein the nucleic acid sequence is contained on an extrachromosomal element.

92. (Previously Presented) The *Bacillus* cell of claim 74, which is a *Bacillus alkalophilus*, *Bacillus amyloliquefaciens*, *Bacillus brevis*, *Bacillus circulans*, *Bacillus clausii*, *Bacillus coagulans*, *Bacillus firmus*, *Bacillus lautus*, *Bacillus lentus*, *Bacillus licheniformis*, *Bacillus megaterium*, *Bacillus pumilus*, *Bacillus stearothermophilus*, *Bacillus subtilis*, or *Bacillus thuringiensis* cell.

93. (Previously Presented) The *Bacillus* cell of claim 74, which is a *Bacillus subtilis* cell.